



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: October 19, 2020

Re: Prohibition of Use of Neck Restraints by Police Officers

Executive Summary

At the request of Council member Thomas, staff has prepared a draft ordinance which would prohibit the use of neck restraints by City of Columbia police officers.

Discussion

At the September 21, 2020 City Council meeting, Mr. Thomas requested staff prepare a draft ordinance which would prohibit the use of neck restraints. The term "neck restraint" means one of two broad categories of restraints which are used to control a person's movement or to render a person unconscious: chokeholds and carotid restraints. The attached draft would prohibit the use of both categories of neck restraints. The difference between the two types of restraints is that a chokehold applies pressure to the windpipe and blocks the passage of air. A carotid restraint applies pressure to the blood supply to constrict the flow of blood to and from the brain to render a subject unconscious.

This City Code amendment would make it unlawful for a police officer to utilize either a chokehold or a carotid restraint in the discharge of their duties, regardless of the circumstances. The current City Code allows for officer justified use of force by permitting the reasonable use of discretion in determining the use of force necessary in a response to resistance. The current Columbia Police Department policy allows for officer discretion in the use of force by "choke, strangle or similar holds" if the officer reasonably believes there is an imminent threat of death or serious physical injury to the officer or a third party and the choke, strangle or similar hold is the only reasonable means at the time to stop the threat. Chief Jones has provided the Council with a separate memorandum which details the departmental policy in more detail.

In reviewing the neck restraint "bans" throughout the country, it was determined there is a wide variety of language and modes of implementation. On September 30, the State of California enacted a statewide ban on the use of chokehold and carotid restraints along with an overhaul of investigations of use of lethal force. Other major cities reporting enactment of a "ban" include Dallas, Denver, Phoenix, Los Angeles, New York City, Sacramento, San Diego, Broward County Florida, Miami, Chicago, Washington D.C., Minneapolis and Houston.

In order to fully determine the scope of the "ban", the source language contained in the enacting legislation should be reviewed to determine whether or not the agency has enacted a complete prohibition or if there are exceptions to the utilization of the technique. When performing the research for this council request, it was determined that news reports



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of a “ban” often provided an exception allowing use of the techniques to those situations where deadly force is warranted. At the time this memo was drafted the law department did not have access to any industry publications that would provide details as to what jurisdictions had adopted a “ban” along with the scope of the “ban.”

From a legal perspective, if the technique is going to be authorized under any circumstances, adequate training in the proper application/execution of the restraint, appropriate circumstances for use, and post-use reporting should be required to ensure safe and proper use.

A draft City Code amendment is included for your information and discussion purposes. For your information, the next two regular meetings of the Citizens Police Review Board will occur on November 11 and December 9. The next two regular meetings of the Commission on Human Rights will occur on December 1 and January 5, 2021 (the November 3 meeting was canceled due to it being Election Day).

Fiscal Impact

Short-Term Impact: Not applicable.
Long-Term Impact: Not applicable.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
	None.

Suggested Council Action

Further direction provided to City staff on next steps desired by Council.